

REMARKS

Claims. The Examiner pointed out informalities in claim 8 and claim 15. Accordingly, Applicant has amended claims 8 and 15.

Rejections. The Examiner rejected claims 17-20 as being anticipated by Turman. The 35 USC §102 rejection is respectfully traversed because Turman does not describe Applicant's invention. Turman discloses an aerodynamic device, whereas Applicant discloses an airfoil device. The first does not anticipate the second. Turman's "aerodynamic exterior" (column 2; line 39) has no effect on the performance of his invention. Turman separates airstream particles of varying weight with a swirling motion (column 4; line 23) created by the movement of a set of fixed vanes (column 3; line 5) through the air. Applicant's claimed shape efficiently makes use of the velocity and pressure gradients imposed on an airstream flowing over an airfoil. Furthermore, Turman requires a moveable aperture, requiring an external rotation such as by a motor, thereby adding to the considerable mass of his device. By contrast, the present claimed invention requires no moving parts for its sampling function, is capable of gathering particulates of varied size merely by using different absorbent media in different sections of the device or by changing the absorbent media during sampling flights, and weighs a fraction of the huge Turman device.

The Examiner rejected claims 1-5 and 7-13 as being obvious over Sainsbury in view of Kataoka. The 35 USC §103 rejection is respectfully traversed because the inventions of the cited references do not read on Applicant's invention, and are not in analogous or related fields. Sainsbury is cited for teaching an aerodynamic shape. As it is with the Turman reference, an aerodynamic shape is irrelevant with respect to the claimed shape. An aerodynamic shape reduces drag but contributes nothing to Applicant's sampling function, and, in fact contributes very little, if anything, to the function of Sainsbury's invention. Sainsbury disclosed and claimed a device "for obtaining geological and geochemical samples from the surface of the earth" (column 1; lines 5-7). Except for the fact that his invention was deployed from a moving aircraft, it bears no similarity to Applicant's invention. No person of ordinary skill, researching air sampling prior art, would have motivation to consult patents pertaining to collection of rock and soil samples. The application and the cited reference fields are nonanalogous.

Sainsbury is also cited for a mesh bag, and Kataoka is cited for a sandbag. Neither is analogous to Applicant's absorbent media, and Applicant does not disclose or claim a bag. In appearance and function, Sainsbury's device resembles a bucket, and is used in a manner entirely different from the manner in which the absorbent media of the present invention is used. The Examiner cites Kataoka's sandbag for its strength, an association perhaps valid if Kataoka were being cited against Sainsbury's strong bag (column 5; line 30). But, because the claimed function of the present invention is not carrying rocks or sand, Applicant does not disclose or claim strength. The absorbency feature of Kataoka's sandbag comes from a discrete, internal package of resin that swells upon contact with water. That feature helps a sandbag conform tightly to its neighbors, thus contributing to a wall of sandbags intended to impede a flow of water. Applicant's absorbent media collect samples of air particulates for analysis.

The Examiner cites Saaski as providing for sampling of an airstream by moving a sampling device through the air, but the Saaski device does not use an airfoil, a fact mentioned by the Examiner. However, Saaski's device and method are further differentiated from Applicant by the use of liquid or fog stripping agents to collect a single predetermined pollutant from an airstream. The Examiner also mentions two other references, but neither Saaski, Barringer, or Couchman can support an obviousness rejection based on Sainsbury, Kataoka, or Turman because the latter are nonanalogous art.


Combined Claims. The Examiner indicated allowance of claim 6 if rewritten in independent form including its intervening claims. To that end Applicant submits new claim 21.

Request. Applicant respectfully requests reconsideration and placement of all specifications, drawings, and claims as amended in condition for allowance. If the Examiner believes a telephone conference would be helpful to allowance, a telephone conference is respectfully requested.

Fee. Applicant hereby submits the \$25 fee for the additional included claim. Although Applicant believes no more fees are due at this time, the U.S. Patent and Trademark Office is authorized to charge any fees due, in full or in part, to Deposit Account 07-2400 (P-122152.2).

Respectfully submitted,

JACKSON WALKER, L.L.P.
100 Congress Ave., Suite 1100
Austin, TX 78701
(512) 236-2000
(512) 236-2002 fax

By 
David Allen Hall
Regis. No. 51,766

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to Mail Stop Non-fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<input type="checkbox"/> With sufficient postage as First Class Mail.	<input checked="" type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. EV 425212245 US
Date: _____, 2005.	Date: July 28, 2005.

Kay Smith

Printed Name of Person Mailing Paper or Fee

Kay Smith

Signature of Person Mailing Paper or Fee